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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2009-100

11 **CONSOLACION JULIAN MALGAPO**

7136 McLennan Avenue

12 Van Nuys, CA 91406

**DEFAULT DECISION
AND ORDER**

13 Registered Nurse License No. 463723

[Gov. Code, §11520]

14 Respondent.

15 **FINDINGS OF FACT**

16 1. On or about October 29, 2008, Complainant Ruth Ann Terry, M.P.H.,
17 R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing
18 (Board), Department of Consumer Affairs, filed Accusation No. 2009-100 against Consolacion
19 Julian Malgapo (Respondent) before the Board.

20 2. On or about March 31, 1991, the Board issued Registered Nurse License
21 No. 463723 to Respondent. The Registered Nurse License was in full force and effect at all
22 times relevant to the charges brought herein and will expire on January 31, 2009, unless renewed.

23 3. On or about November 4, 2008, Thurman Peden, an employee of the
24 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.
25 2009-100, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
26 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
27 which was and is: 7136 McLennan Avenue, Van Nuys, CA 91406. A copy of the Accusation is
28 attached as Exhibit A, and is incorporated herein by reference.

1 4. Service of the Accusation was effective as a matter of law under the
2 provisions of Government Code section 11505, subdivision (c).

3 5. On or about November 5, 2008, the aforementioned documents were
4 delivered to Respondent's address of record and signed by a "C. Malgappo". The domestic
5 return receipt was returned to the Department of Justice on or about the same day. A copy of the
6 service documents and domestic return receipt is attached as Exhibit B, and is incorporated
7 herein by reference.

8 6. Government Code section 11506 states, in pertinent part:

9 (c) The respondent shall be entitled to a hearing on the merits if the
10 respondent files a notice of defense, and the notice shall be deemed a specific
11 denial of all parts of the accusation not expressly admitted. Failure to file a notice
of defense shall constitute a waiver of respondent's right to a hearing, but the
agency in its discretion may nevertheless grant a hearing.

12 7. Respondent failed to file a Notice of Defense within fifteen (15) days after
13 service upon her of the Accusation, and therefore waived her right to a hearing on the merits of
14 Accusation No. 2009-100.

15 8. California Government Code section 11520 states, in pertinent part:

16 (a) If the respondent either fails to file a notice of defense or to appear at
17 the hearing, the agency may take action based upon the respondent's express
admissions or upon other evidence and affidavits may be used as evidence without
18 any notice to respondent.

19 9. Pursuant to its authority under Government Code section 11520, the Board
20 finds Respondent is in default. The Board will take action without further hearing and, based on
the evidence on file herein, finds that the allegations in Accusation No. 2009-100 are true.

21 10. The total costs for investigation and enforcement in connection with the
22 Accusation are \$9926.75 as of December 3, 2008.

23 **DETERMINATION OF ISSUES**

24 1. Based on the foregoing findings of fact, Respondent Consolacion Julian
25 Malgapo has subjected her Registered Nurse License No. 463723 to discipline.

26 2. A copy of the Accusation is attached.

27 3. The agency has jurisdiction to adjudicate this case by default.
28

4. The Board is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation:

- a. Business and Professions Code section 2761, subdivision (a)(1) and California Code of Regulations, title 16, section 1442 - gross negligence;
- b. Business and Professions Code section 2762, subdivision (a) - unprofessional conduct for having obtained or possessed controlled substances and/or dangerous drugs in violation of law;
- c. Business and Professions Code section 2762, subdivision (e) - unprofessional conduct for having falsified, or made grossly incorrect or inconsistent records pertaining to controlled substances or dangerous drugs;
- d. Business and Professions Code section 2761, subdivision (a) - unprofessional conduct.

ORDER

IT IS SO ORDERED that Registered Nurse License No. 463723, heretofore issued to Respondent Consolacion Julian Malgapo, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 20, 2009.

It is so ORDERED February 20, 2009

La Francine W Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

50350551.wpd

DOJ docket number:LA2008601397

Attachments:

Exhibit A:

Accusation No.2009-100

Exhibit B:

Service Documents & Domestic Return Receipt

Exhibit A
Accusation No. 2009-100

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 GLORIA A. BARRIOS
Supervising Deputy Attorney General

3 LINDA L. SUN, State Bar No. 207108
Deputy Attorney General

4 California Department of Justice
300 So. Spring Street, Suite 1702

5 Los Angeles, CA 90013
Telephone: (213) 897-6375

6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-100

13 **CONSOLACION JULIAN J. MALGAPO**

14 7136 Mclellan Avenue
Van Nuys, CA 91406

A C C U S A T I O N

15 Registered Nurse License No. 463723

Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H, R.N. ("Complainant") brings this Accusation
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
20 ("Board"), Department of Consumer Affairs, State of California.

21 2. On or about March 31, 1991, the Board issued Registered Nurse License
22 No. 463723 to Consolacion Julian J. Malgapo ("Respondent"). The Registered Nurse License
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 January 31, 2009, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the
27 following laws. All section references are to the Business and Professions Code ("Code") unless
28 otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."

7. California Code of Regulations, title 16, section 1442 states:

"As used in Section 2761 of the Code, 'gross negligence' includes an extreme departure from the standard of care, which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation in which the nurse knew, or should have known, could have jeopardized the client's health or life."

8. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish

1 or administer to another, any controlled substance as defined in Division 10 (commencing with
2 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
3 defined in Section 4022.

4
5 “(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible
6 entries in any hospital, patient, or other record pertaining to the substances described in
7 subdivision (a) of this section.”

8 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
9 request the administrative law judge to direct a licensee found to have committed a violation or
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
11 and enforcement of the case.

12 **FACTUAL STATEMENTS**

13 10. Respondent was employed as a registered nurse in the Telemetry Unit of
14 the Cedars-Sinai Medical Center from about 1996 to about August 30, 2005. In August, 2005,
15 Respondent failed to follow hospital policy and procedure in medication administration
16 and the handling of narcotics¹ in the following instances:

17 **11. PATIENT A**

18 Physician's Orders:

- 19 • Acetaminophen (Tylenol) 650mg Q4HR PRN for mild pain
20 • Tylenol w/Codeine (Tylenol #3) 30mg Q6HR PRN for moderate pain
21 • Hydromorphone (Dilaudid) 1mg Q3HR PRN for severe pain
22 • Temazepam (Ristoril) 15mg QHS PRN for sleep

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27 1. All of the narcotics mentioned herein are classified as controlled substances within the
28 meaning of Health and Safety Code section 11000 et. seq., and/or dangerous drugs within the
meaning of Business and Professions Code section 4022.

(8/14/05 - 8/15/05)

CMDR ²	MAR ³	PAIN SCORE ⁴
2000 hrs Respondent signed out (2) Tylenol #3 30mg tabs	2000 hrs Respondent administered (2) Tylenol #3 30mg tabs	0800 hrs: 0/10 1200 hrs: 0/10 1600 hrs: 0/10 2000 hrs: 5/10* 2100 hrs: 3/10* 2200 hrs: 0/10* 0200 hrs: 0/10* 0600 hrs: 0/10* *Pain scores documented by Respondent
2100 hrs Respondent signed out Dilaudid 2mg & wasted 1mg	2100 hrs Respondent administered Dilaudid 1mg	
2200 hrs Respondent signed out Temazepan (Ristoril) 15 mg	No documentation of administration of Temazepan (Ristoril)	
0550 hrs Respondent signed out (2) Tylenol #3 30mg tabs	No documentation of administration of Tylenol #3	
0635 hrs Respondent signed out Dilaudid 2mg & wasted 1mg	No documentation of administration of Dilaudid	

Summary on Patient A: Respondent withdrew and charted as having administered pain and sleep medication for this patient. However, this patient denied ever requesting or receiving any pain or sleep medication. According to the pain score, after 2200 hrs, this patient experienced no pain, but Respondent withdrew (2) Tylenol #3 30mg tablets, which was ordered for moderate pain, and Dilaudid 1mg, which was ordered for severe pain. Respondent also failed to chart on the MAR as having administered these medications. This patient did not receive any pain or sleep medications before or after Respondent's shift. **Total drugs unaccounted for: Ristoril 15mg, (2) Tylenol #3 30mg tablets, and Dilaudid 1mg.**

12. PATIENT C⁵

Physician's Orders:

- Acetaminophen (Tylenol) 650mg Q6HR PRN for pain and fever
- Lorazepam (Ativan) .5mg bid PRN

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2. Controlled Medication Disposition Records

3. Medication Administration Records

4. Pain Score 1-3 (Mild Pain); Pain Score 4-6 (Moderate Pain); Pain Score 7-10 (Severe Pain)

5. Patient "B" was intentionally left out.

(8/14/05 - 8/15/05)

CMDR	MAR	PAIN SCORE
2200 hrs Respondent signed out Ativan .5mg	2200 hrs Respondent administered Ativan .5mg	N/A

Summary on Patient C: Respondent withdrew and charted as having administered Ativan .5mg for this patient. However, this patient denied ever requesting or receiving any sleep medication. **Total drugs unaccounted for: Ativan .5mg.**

13. **PATIENT D**

Physician's Orders:

- Acetaminophen (Tylenol) 650mg Q4HR PRN for mild pain and fever
- Lorazepam (Ativan) 1mg QHS PRN for sleep
- Hydromorphone (Dilaudid) .5mg Q6HR PRN for severe pain
- Tylenol w/Codeine (Tylenol #3) 30mg 1-2 tabs Q4HR PRN for moderate pain (ordered 8/10/05 @1400 hrs)

(8/7/05 - 8/8/05)

CMDR	MAR	PAIN SCORE
2000 hrs Respondent signed out Dilaudid 2mg & wasted 1.5mg	2000 hrs Respondent administered Dilaudid .5mg	0800 hrs: 0/10 1000 hrs: 0/10 1200 hrs: 0/10 1600 hrs: 0/10
2115 hrs Respondent signed out Ativan 2mg & wasted 1mg	2115 hrs Respondent administered Ativan 1mg injectable	2000 hrs: 5/10* 2100 hrs: 0/10*
0215 hrs Respondent signed out Dilaudid 2mg & wasted 1.5mg	No documentation of administration of Dilaudid	*Pain scores documented by Respondent

Summary on Patient D: Respondent withdrew and charted as having administered pain and sleep medication for this patient. However, this patient experienced no pain before or after Respondent's shift. At 2000 hrs, this patient complained of moderate pain but Respondent administered Dilaudid .5mg which was ordered for severe pain. At 0215 hrs, Respondent withdrew Dilaudid .5mg when the patient did not complain of any pain. Respondent failed to chart on the MAR as having administered Dilaudid at 0215 hrs. **Total drugs unaccounted for: Dilaudid .5mg.**

(Note: During the 8/8/05 - 8/9/05 shift, Patient D's pain score was 0/10 throughout the day/night shift and required no pain relief.)

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(8/9/05 - 8/10/05)

CMDR	MAR	PAIN SCORE
2000 hrs Respondent signed out Dilaudid 2mg & wasted 1.5mg	2000 hrs Respondent administered Dilaudid .5mg	0800 hrs: 0/10 1200 hrs: 0/10 1600 hrs: 0/10 2000 hrs: 5/10*
2025 hrs Respondent signed out Ativan 2mg & wasted 1mg	2100 hrs Respondent administered Ativan 1mg	2100 hrs: 0/10* 0500 hrs: 5/10* 0600 hrs: 0/10*
0500 hrs Respondent signed out Dilaudid 2mg & wasted 1.5mg	0500 hrs Respondent administered Dilaudid .5mg	*Pain scores documented by Respondent

Summary on Patient D: This patient did not experience any pain during the day. Respondent documented Patient D as having moderate pain at 2000 and 0500 hrs, but Respondent administered Dilaudid .5mg which was prescribed for severe pain.

(8/10/05 - 8/11/05)

CMDR	MAR	PAIN SCORE
2100 hrs Respondent signed out Dilaudid 2mg & wasted 1.5mg	2100 hrs Respondent administered Dilaudid .5mg	0800 hrs: 0/10 1200 hrs: 0/10 1300 hrs: 3/10 1600 hrs: 0/10
2200 hrs Respondent signed out Ativan 2mg injectable & documented it as "spilled"	2200 hrs Respondent wasted Ativan 1mg and administered 1mg	2000 hrs: 0/10* 2100 hrs: 3/10* 2200 hrs: 0/10* 0200 hrs: 0/10*
2300 hrs Respondent signed out Ativan 1mg tab	2300 Respondent administered Ativan 1mg tab	*Pain scores documented by Respondent
0500 hrs Respondent signed out Dilaudid 2mg & wasted 1.5mg	0500 hrs Respondent administered Dilaudid .5mg	

Summary on Patient D: This patient did not have any complaints of pain during the day except at 1300 hours, when she experienced mild pain (pain score 3/10). She received Tylenol 650mg from the day shift nurse. When the patient complained of mild pain (pain score 3/10) again at 2100 hrs, Respondent administered Dilaudid .5mg which was ordered for severe pain.

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(8/11/05 - 8/12/05)

CMDR	MAR	PAIN SCORE
2100 hrs Respondent signed out Dilaudid 2mg & wasted 1.5mg	0100 hrs Respondent administered Dilaudid .5mg	0800 hrs: 0/10 1200 hrs: 0/10 1830 hrs: 0/10 2000 hrs: 0/10*
2200 hrs Respondent signed out Ativan 2mg & wasted 1mg	2300 hrs Respondent administered Ativan 1mg	2215 hrs: 3/10* 2300 hrs: 0/10* 0100 hrs: 3/10* 0200 hrs: 0/10* 0600 hrs: 0/10*
2215 hrs Respondent signed out (2) Tylenol #3 30mg tabs	2215 hrs Respondent administered (2) Tylenol #3 30mg tabs	
0700 hrs Respondent signed out Dilaudid 2mg & wasted 1.5mg	0600 hrs Respondent administered Dilaudid .5mg	*Pain scores documented by Respondent

Summary on Patient D: At 2100 hrs Respondent withdrew Dilaudid .5mg but did not administer it to the patient until 0100 hrs. Further, Respondent appeared to have altered the 2100 entry to "01" without having lined-through and initialed. At 2215 hrs, Patient D complained of mild pain and Respondent administered (2) Tylenol #3 tablets. At 0100 hrs, Respondent complained of mild pain, but Respondent administered Dilaudid .5mg for severe pain which she signed out 4 hours earlier. At 0600 hrs, Respondent administered Dilaudid .5mg when Patient D did not complain of any pain.

14. PATIENT E

Physician's Orders:

- Hydromorphone (Dilaudid) 1mg Q3HR PRN for severe pain
- Tylenol w/Codeine (Tylenol #3) (1) 30mg tab Q4HR PRN or (2) tabs Q6HR PRN for moderate pain
- Acetaminophen (Tylenol) 650mg Q4HR PRN for mild pain

(8/11/05 - 8/12/05)

CMDR	MAR	PAIN SCORE
2000 hrs Respondent signed out (2) Tylenol #3 30mg tabs	2000 hrs Respondent administered (2) Tylenol #3 30mg tabs	2000 hrs: 5/10* 2100 hrs: 0/10* 2145 hrs: 3/10* 2200 hrs: 0/10*
2045 hrs Respondent signed out Dilaudid 2mg & wasted 1.5mg	2145 hrs Respondent administered Dilaudid .5mg	0045 hrs: 5/10* 0145 hrs: 0/10* 0500 hrs: 5/10* 0600 hrs: 0/10*
2300 hrs Respondent signed out Dilaudid 2mg & wasted 1.5mg	0045 hrs Respondent administered Dilaudid .5mg	*Pain scores documented by Respondent

0500 hrs Respondent signed out Dilaudid 2mg & wasted 1.5mg	0500 hrs Respondent administered Dilaudid .5mg	
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Summary on Patient E: Respondent administered Dilaudid to this patient 3 times in a four-hour time period during her shift, when this patient complained of mild to moderate pain. Respondent withdrew Dilaudid at 2045 but did not administer it until 1 hour later. Respondent again withdrew Dilaudid at 2300 but did not administer it until 1.75 hours later.

15. PATIENT F

Physician's Orders:

- Hydromorphone (Dilaudid) .5mg Q2HR PRN for severe pain
- Tylenol w/Codeine (Tylenol #3) (1) 30mg tab Q4HR PRN or (2) tabs Q6HR PRN for moderate pain
- Acetaminophen (Tylenol) 650mg Q4HR PRN for mild pain
- Lortab (Vicodin HP) 10/500 (1) tab for moderate pain
- Lorazepam (Ativan) .5 mg Q4HR PRN for anxiety

(8/9/05 - 8/10/05)

CMDR	MAR	PAIN SCORE
1945 hrs Respondent signed out (2) Tylenol #3 30mg tabs	1945 hrs Respondent administered (2) Tylenol #3 30mg tabs	1200 hrs: 0/10 1600 hrs: 0/10 2000 hrs: 5/10* 2100 hrs: 0/10* 2345 hrs: 5/10* 2400 hrs: 0/10* 0115 hrs: 2/10* 0130 hrs: 2/10* 0200 hrs: 0/10* 0400 hrs: 5/10* 0500 hrs: 0/10*
2000 hrs Respondent signed out Dilaudid 2mg & wasted 1.5mg	2000 hrs Respondent administered Dilaudid .5mg	*Pain scores documented by Respondent
2200 hrs Respondent signed out Ativan .5mg	2200 hrs Respondent administered Ativan .5mg	
2315 hrs Respondent signed out Dilaudid 2mg & wasted 1.5mg	2345 hrs Respondent administered Dilaudid .5mg	
2400 hrs Respondent signed out (1) Vicodin tab	2400 hrs Respondent administered (1) Vicodin tab	
0115 hrs Respondent signed out (2) Tylenol #3 tabs	0115 hrs Respondent administered (2) Tylenol #3 tabs	
0130 hrs Respondent signed out Dilaudid 2mg and wasted 1.5mg	0130 hrs Respondent administered Dilaudid .5mg	
0400 hrs Respondent signed out Dilaudid 2mg and wasted 1.5mg	0400 hrs Respondent administered Dilaudid .5mg	
0500 hrs Respondent signed out (1) Vicodin tab	0500 hrs Respondent administered (1) Vicodin tab	

Summary on Patient F: Respondent repeatedly administered this patient with Vicodin (for moderate pain), Dilaudid (for severe pain) and Tylenol #3 (for moderate pain) within a short time frame when the patient complained of no pain, mild pain or moderate pain.

(8/10/05 - 8/11/05)

CMDR	MAR	PAIN SCORE
2000 hrs Respondent signed out (1) Vicodin tab	2000 hrs Respondent administered (1) Vicodin tab	0730 hrs: 6-7/10 0830 hrs: 2/10 1200 hrs: 0/10 1600 hrs: 0/10 2000 hrs: 5/10* 2100 hrs: 3/10* 2200 hrs: 0/10* 2300 hrs: 3/10* 2400 hrs: 0/10* 0115 hrs: 3/10* 0200 hrs: 0/10*
2100 hrs Respondent signed out Dilaudid 2mg & wasted 1mg	2200 hrs Respondent administered Dilaudid 1mg	
2200 hrs Respondent signed out Ativan .5mg	2200 hrs Respondent administered Ativan .5mg	
2350 hrs Respondent signed out (2) Tylenol #3 tabs	2350 hrs Respondent administered (2) Tylenol #3 tabs	
0115 hrs Respondent signed out Dilaudid 2mg & wasted 1mg	0115 hrs Respondent administered Dilaudid 1mg	*Pain scores documented by Respondent
0400 hrs Respondent signed out (1) Vicodin tab	0400 hrs Respondent administered (1) Vicodin tab	
0500 hrs Respondent signed out Dilaudid 2mg and wasted 1mg	0450 hrs Respondent administered Dilaudid 1mg	

Summary on Patient F: At 2100 and 0115 hours, Respondent administered Dilaudid 1mg (for severe pain) when this patient complained of mild pain. With a two-hour time period, from 2000 hours to 2200 hours, Respondent medicated this patient with (1) Vicodin, Dilaudid 1mg and Ativan .5 mg when this patient's pain scale was 5/10, 3/10, and 0/10. At 2350 hours, Respondent medicated this patient again with (2) Tylenol #3 when this patient had a pain scale of 0/10 at 2400 hours.

16. **INTERVIEW OF RESPONDENT.** On or about January 2, 2008, during an interview with the Board's investigator, Respondent admitted that she pre-charted the pain scores in the beginning of her shift.

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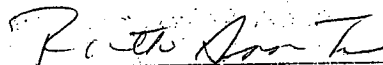
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Registered Nurse License Number 463723, issued to Consolacion Julian J. Malgapo;
2. Ordering Consolacion Julian J. Malgapo to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 10/29/08


RUTY ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

LA2007601533
60359581.wpd.

Exhibit B
Service Documents & Domestic Return Receipt

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL
(Separate Mailings)

Case Name: **In the Matter of the Accusation Against: CONSOLACION JULIAN
MALGAPPO**
Case No.: **2009-100**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

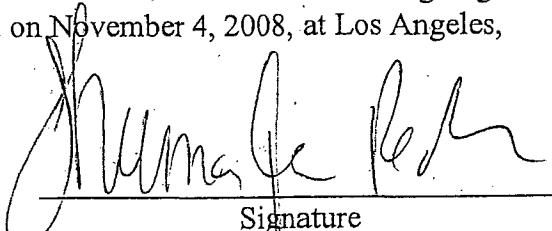
On November 4, 2008, I served the attached **STATEMENT TO RESPONDENT; ACCUSATION; REQUEST FOR DISCOVERY; NOTICE OF DEFENSE (2 Copies); GOVERNMENT CODE SECTIONS 11507.5, 11507.6 and 11507.7; and RECOMMENDED GUIDELINES FOR DISCIPLINARY ORDERS AND CONDITIONS OF PROBATION** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **STATEMENT TO RESPONDENT; ACCUSATION; REQUEST FOR DISCOVERY; NOTICE OF DEFENSE (2 Copies); GOVERNMENT CODE SECTIONS 11507.5, 11507.6 and 11507.7; and RECOMMENDED GUIDELINES FOR DISCIPLINARY ORDERS AND CONDITIONS OF PROBATION** was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Consolacion Julian Malgappo Respondent
7136 McLennan Avenue
Van Nuys, CA 91406

Certified Mail No. 7160 3901 9845 5607 1640

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 4, 2008, at Los Angeles, California.

Thurman Peden
Declarant


Signature

THE
WALZ
CERTIFIED
MAILER™

FROM

WALZ

U.S. PAT. NO. 5,501,393

7160 3901 9845 5607 1640

Label #1

Consolacion Julian Malgappo
7136 McLennan Avenue
Van Nuys, CA 91406

Label #2

Consolacion Julian Malgappo
7136 McLennan Avenue
Van Nuys, CA 91406

Label #3

Linda L. Sun, DAG/10N
Office of the Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013

TO: Consolacion Julian Malgappo
7136 McLennan Avenue
Van Nuys, CA 91406

SENDER: Linda L. Sun, DAG/10N
REFERENCE: re: Consolacion Julian Malgappo
LA2008601397 (Acc. Pkg.)

PS Form 3800, January 2005

RETURN
RECEIPT
SERVICE

Postage

Certified Fee

Return Receipt Fee

Restricted Delivery

Total Postage & Fees

US Postal Service

**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

FOLD AND TEAR THIS WAY → OPTIONAL

Label #5

Linda L. Sun, DAG/10N
Office of the Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013

Charge
Amount:

Charge
To:

FOLD AND TEAR THIS WAY →

Label #6

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL



7160 3901 9845 5607 1640

Certified Article Number

7160 3901 9845 5607 1640

SENDER'S RECORD

RETURN RECEIPT REQUESTED
USPS MAIL CARRIER
DETACH ALONG PERFORATION

2. Article Number



7160 3901 9845 5607 1640

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

Consolacion Julian Malgappo
7136 McLennan Avenue
Van Nuys, CA 91406

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent
☐ Addressee

D. Is delivery address different from item 1?
If YES, enter delivery address below:

☐ Yes
☐ No

LA2008601397
Linda L. Sun, DAG/10N
re: Consolacion Malgappo
Accusation Pkg.

Thank you for using Return Receipt Service

Thank you for using Return Receipt Service

7160 3901 9845 5607 1640

TO: Consolacion Julian Malgappo
7136 McLennan Avenue
Van Nuys, CA 91406

SENDER: Linda L. Sun, DAG/10n
REFERENCE: re: Consolacion Julian Malgappo
LA2008601397 (Acc. Pkg.)

PS Form 3800, January 2005

RETURN
RECEIPT
SERVICE

Certified Article Number

7160 3901 9845 5607 1640

SENDER'S RECORD

US Postal Service

**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

2. Article Number



7160 3901 9845 5607 1640

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

Consolacion Julian Malgappo
7136 McLennan Avenue
Van Nuys, CA 91406

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

C. Signature

B. Date of Delivery

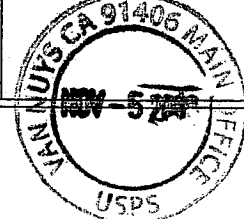
11-5

X

☒ Agent
☐ Addressee

D. Is delivery address different from item 1?
If YES, enter delivery address below:

☐ Yes
☒ No



LA2008601397
Linda L. Sun, DAG/10N
re: Consolacion Malgappo

PS Form 3811, January 2005

Domestic Return Receipt